

# **EXHIBIT 19**

1 - Sumanta Banerjee - Confidential -

2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 ----- X

5 SADIS & GOLDBERG, LLP, )

6 Plaintiff, )

7 -vs- )

8 SUMANTA BANERJEE, )

9 Defendant. )

10 ----- X

11  
12 DATE: February 14, 2019

13 TIME: 9:39 a.m.

14  
15 CONFIDENTIAL DEPOSITION OF SUMANTA  
16 BANERJEE, held at the offices of Sadis & Goldberg,  
17 New York, New York, pursuant to Notice, before  
18 Hope Menaker, a Shorthand Reporter and Notary  
19 Public of the State of New York.  
20  
21  
22  
23  
24  
25

<p style="text-align: right;">Page 2</p> <p>1 - Sumanta Banerjee - Confidential -</p> <p>2 A P P E A R A N C E S</p> <p>3 SADIS &amp; GOLDBERG, LLP</p> <p>4 Attorneys for the Plaintiff</p> <p>5 551 Fifth Avenue - 21st Floor</p> <p>6 New York, New York 10176</p> <p>7 BY: BENJAMIN HUTMAN, ESQ.</p> <p>8</p> <p>9 FERBER CHAN ESSNER &amp; COLLERT LLP</p> <p>10 Attorneys for the Defendant</p> <p>11 One Grand Central Place</p> <p>12 60 E. 42nd Street Suite 2050</p> <p>13 New York, New York 101766</p> <p>14 BY: ROBERT N. CHAN, ESQ.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 - Sumanta Banerjee - Confidential -</p> <p>2 SUMANTA BANERJEE, called as a</p> <p>3 witness, having been duly sworn on February</p> <p>4 14, 2019, by a Notary Public, was examined</p> <p>5 and testified as follows:</p> <p>6 58/1 Ballygunje Circular Road</p> <p>7 Kolkata, West Bengal, India</p> <p>8</p> <p>9 EXAMINATION BY MR. HUTMAN:</p> <p>10 Q. Good morning, Mr. Banerjee.</p> <p>11 A. Good morning.</p> <p>12 Q. Is this the first deposition that</p> <p>13 you've sat for?</p> <p>14 A. No, I had another one.</p> <p>15 Q. Just one?</p> <p>16 I'll reask it. You had just one</p> <p>17 other one?</p> <p>18 A. Correct.</p> <p>19 Q. So I'm just going to go over quickly</p> <p>20 some of the basic rules of a deposition.</p> <p>21 I'm going to ask questions. You're</p> <p>22 going to answer the questions. Please be careful</p> <p>23 to answer questions verbally, not nod your head up</p> <p>24 or down --</p> <p>25 A. Right.</p>
<p style="text-align: right;">Page 3</p> <p>1 - Sumanta Banerjee - Confidential -</p> <p>2 IT IS HEREBY STIPULATED AND AGREED by</p> <p>3 and among the attorneys for the respective parties</p> <p>4 hereto, that the sealing and filing of the within</p> <p>5 deposition be waived.</p> <p>6</p> <p>7 IT IS FURTHER STIPULATED AND AGREED</p> <p>8 that all objections, except as to the form, are</p> <p>9 reserved to the time of trial.</p> <p>10</p> <p>11 IT IS FURTHER STIPULATED AND AGREED</p> <p>12 that the within examination and any corrections</p> <p>13 thereto may be signed before any Notary Public</p> <p>14 with the same force and effect as if signed and</p> <p>15 sworn to before this Court.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 -o0o-</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 - Sumanta Banerjee - Confidential -</p> <p>2 Q. -- that won't show up on the record.</p> <p>3 It's important to answer the question</p> <p>4 verbally. It's also important to wait for me to</p> <p>5 finish asking the questions before you start to</p> <p>6 speak or the record gets confusing.</p> <p>7 I will do my best to have you fully</p> <p>8 answer the question before I ask the next</p> <p>9 question.</p> <p>10 A. Okay.</p> <p>11 Q. From time to time your attorney may</p> <p>12 object to the question that I ask. If your</p> <p>13 attorney objects to the question I ask, you still</p> <p>14 have to answer it unless he instructs you not to</p> <p>15 answer.</p> <p>16 A. Okay.</p> <p>17 Q. The objection doesn't mean you don't</p> <p>18 answer, it's for the purposes of preserving his</p> <p>19 objections for the future.</p> <p>20 A. Okay.</p> <p>21 Q. Okay. If you need a break at any</p> <p>22 time, as long as you answer the question that's</p> <p>23 currently pending --</p> <p>24 A. Right.</p> <p>25 Q. -- I'll be glad to give you a break.</p>

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2 another apartment?  
3 A. They had another apartment in the  
4 same building when my father was around.  
5 Q. What was the number of that one?  
6 A. It was 50 -- I'm going to say 55-B.  
7 To the best of my recollection they were renting  
8 it when we moved into their apartment.  
9 Q. Let me -- I don't quite have the  
10 arrangement.  
11 A. So let me just clarify. So when we  
12 moved to India, we moved into their apartment  
13 which was 142-B. The two of them rented another  
14 apartment in the same building complex and I think  
15 the number was 55-B --  
16 Q. Okay.  
17 A. -- if I remember, but I could be  
18 wrong.  
19 Q. Did there ever come a time that your  
20 parents moved back into 142-B?  
21 A. Correct.  
22 Q. When was that?  
23 A. They moved back when we left for  
24 Delhi. Delhi is also a family house.  
25 Q. Can you give me your employment

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2 history from 2008 through the present?  
3 A. '8 -- '8 I was -- I was a partner, 50  
4 percent owner of a bunch of funds with Tuckerbrook  
5 Alternative Investments. I don't think they exist  
6 anymore. 2009 I was an advisor, a senior advisor  
7 to Srei and Shristi group of companies in India.  
8 It's a big conglomerate.  
9 Q. And after?  
10 A. That was 2009 'til about 2011, to the  
11 best of my recollection. And after that I worked  
12 exclusively for the family trust.  
13 Q. So from sometime in 2011 to the  
14 present you've worked exclusively for the family  
15 trust?  
16 A. Correct. Prior to that I was also  
17 working with the family trust but my dad really  
18 managed it until he was around, and he passed away  
19 in 2010. After that, I started working with the  
20 family trust exclusively, really.  
21 And I also had from 2010 to '11, I  
22 also was with SREI Group and the Shristi Group but  
23 I had to give that up.  
24 Q. What's the name of the family trust?  
25 A. It's a long name. It's Salil,

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2 S-A-L-I-L, Raba, R-A-B-A, I think it's  
3 S-A-S-S-A-B, this is to the best of my  
4 recollection -- Trust 2010. This is as much as I  
5 can recall. It's a long one.  
6 MR. CHAN: I know we provided you  
7 with the name.  
8 Q. The names of the trust that you  
9 provided me, is the same trust you're referring  
10 to?  
11 A. Correct.  
12 Q. There's only one trust?  
13 A. There's only one trust.  
14 Q. Did you contribute any money to that  
15 trust?  
16 A. Yes, I did.  
17 Q. How much money did you contribute?  
18 A. I don't recall exactly. A lot of  
19 money.  
20 Q. Can you ballpark it?  
21 A. In the millions.  
22 Q. Do you remember what year or years  
23 you contributed that money?  
24 A. It's sort of a difficult question to  
25 answer because it was from a long time I used to

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2 gift money to my parents and they kept it in  
3 various accounts and they put it all into the  
4 trust. So I can't tell you for --  
5 Q. You say for a long time. Over what  
6 period of time?  
7 A. '90s, 2000s.  
8 Q. So you contributed money -- you  
9 gifted money to yours parent from the '90s through  
10 2010?  
11 A. 'Til I would say two thousand and --  
12 yeah, '9, '10 even.  
13 Q. Then they put all their money into  
14 the trust?  
15 A. Correct.  
16 Q. Did your parents also put money into  
17 the trust from their own source of income?  
18 A. Yeah, my family is independently  
19 wealthy. So, yes. They -- it's multiples of my  
20 money.  
21 Q. You received distributions from time  
22 to time from the trust, correct?  
23 A. As I said before, I -- it's my mother  
24 gifts it to me, so I don't know how you want to  
25 call it. It's from the trust, I guess, but my

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2 A. I'm trying to recall, it's such a

3 long time ago. I had transferred some money to my

4 father and we needed to get some of that back to

5 actually pay Mr. Hirsch. And it was difficult

6 because of India's regulations, and I believe it

7 had to be in the form of a loan to an entity. So

8 an entity had to be formed and the house was put

9 into it.

10 So -- that's what I sort of vaguely

11 remember. It's been a long time.

12 Q. When you say the house was put into

13 it, do you mean the 23 Soundview Farm house was

14 transferred to ZBAC LLC?

15 A. Correct, it was.

16 Q. Why did you transfer that house to

17 ZBAC LLC?

18 A. Well, that loan had to be secured by

19 something and that was the house that was going to

20 take a second lien on the house.

21 Q. Why did the loan have to be secured

22 by something?

23 A. That's the rules of India to get

24 money.

25 Q. Why couldn't you have used the system

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2 that you're using now where you just withdraw

3 money from an account?

4 A. Five hundred dollars a day to pay Mr.

5 Hirsch?

6 Q. It was just inconvenient?

7 A. Yes.

8 Q. At that time were you withdrawing

9 money from an Indian account for your ordinary

10 everyday expenses?

11 A. 2008?

12 Q. Yes.

13 A. No.

14 Q. When did you start using this

15 withdrawing money as-you-needed-it method for

16 having cash on hand?

17 A. After we moved to India we -- I had

18 transferred all my assets to India.

19 Q. Why did you transfer all your assets

20 to India?

21 A. Because we never intended to come

22 back to the U.S.

23 Q. Whose Adam Chodus?

24 A. He was the lawyer that helped set up

25 ZBAC.

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2 Q. Did he do any other work for you?

3 A. Not really, I don't recall.

4 Q. Did there come a time where you were

5 trying to transfer all of your assets out of your

6 personal name?

7 A. All of my assets, I recall, were --

8 in 2008, jointly owned with my wife. And I

9 transferred it because we were going to move to

10 India at the time.

11 Q. When you transferred it to India, did

12 you transfer it to India in your name or did you

13 transfer it to some entity in India?

14 A. I suppose we were advised, I gifted

15 it all to my parents.

16 Q. You were confident that your parents

17 would then gift you out money as you needed it

18 thereafter?

19 A. I did trust my parents. I'm the only

20 child, so there is no one else.

21 Q. That's a good reason.

22 What was the reason why you chose to

23 move to India?

24 A. My dad wasn't doing well and the

25 doctors had pretty much said it was a matter of

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2 time and I wanted to spend some time with my dad.

3 And -- and somebody had to manage all

4 the family assets.

5 Q. I believe earlier you said that you

6 moved to India in January of 2009; is that right?

7 MR. CHAN: Objection.

8 A. I believe so.

9 MR. HUTMAN: I'm going to show you a

10 document we'll mark as Exhibit 2.

11 (Whereupon, Exhibit 2 was marked at

12 this time.)

13 Q. Mr. Banerjee, do you recognize the

14 document that has been marked as Exhibit 2?

15 A. E-mails to Doug.

16 Q. E-mails between you and Mr. Hirsch?

17 A. Yes.

18 Q. If you go to the second page of the

19 document to the earliest in time e-mail that you

20 sent on August 28th, 2009, at 11:00 p.m.

21 Do you see that e-mail?

22 A. Yes.

23 Q. You write, "Doug, I'm definitely not

24 back in September. It will be October sometime.

25 Not sure on the date, several balls up in the

<p style="text-align: right;">Page 86</p> <p>1 - Sumanta Banerjee - Confidential -</p> <p>2 And you said SBaner@gmail.com and</p> <p>3 then you said Sumanta.Banerjeel@gmail.com?</p> <p>4 A. Yes.</p> <p>5 Q. When you were asked to collect</p> <p>6 documents in this case, you searched both of those</p> <p>7 e-mail addresses?</p> <p>8 A. Yes.</p> <p>9 Q. Do you still --</p> <p>10 A. And I believe so. I mean, I can't</p> <p>11 remember if I used this Sumanta.Banerjeel because</p> <p>12 I haven't really used that for ever.</p> <p>13 I mean, this is a long time back.</p> <p>14 Q. And he also asks you about e-mail</p> <p>15 addresses that you used in connection with your</p> <p>16 job. Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. And you said that you had a couple.</p> <p>19 Do you see you list two e-mail</p> <p>20 addresses there?</p> <p>21 A. Uh-huh.</p> <p>22 Q. Do you know if you searched those</p> <p>23 e-mail addresses in response to the document</p> <p>24 requests that we served you in this case?</p> <p>25 A. I don't have access to those.</p>	<p style="text-align: right;">Page 88</p> <p>1 - Sumanta Banerjee - Confidential -</p> <p>2 Q. You see your answer on Line 21: "He</p> <p>3 was an attorney for estate planning and he was I</p> <p>4 think asset protection was one of his specialties</p> <p>5 that he did."</p> <p>6 A. Yes.</p> <p>7 Q. This is the same Adam Chodus that I</p> <p>8 asked you about earlier today?</p> <p>9 A. I don't.</p> <p>10 Q. You said he gave you some advice with</p> <p>11 respect to transferring the 23 Soundview Farm</p> <p>12 house to the ZBAC LLC?</p> <p>13 A. Right.</p> <p>14 Q. He also advised you about the</p> <p>15 formation of ZBAC LLC?</p> <p>16 A. Yes.</p> <p>17 Q. Did he also advise you about the</p> <p>18 general transferring of your assets to India, to</p> <p>19 your family in India?</p> <p>20 MR. CHAN: Yes or no.</p> <p>21 A. No.</p> <p>22 Q. Did someone else advise you about the</p> <p>23 general transferring of your assets to your family</p> <p>24 in India?</p> <p>25 A. Not that I could recall.</p>
<p style="text-align: right;">Page 87</p> <p>1 - Sumanta Banerjee - Confidential -</p> <p>2 Q. If you turn to the page ending Bates</p> <p>3 number 311, which is Page 81 of the deposition</p> <p>4 transcript. Would you turn to that page?</p> <p>5 A. Which one?</p> <p>6 Q. 81.</p> <p>7 MR. CHAN: 81.</p> <p>8 Q. You see line 16 -- actually, if you</p> <p>9 go back to Line 13, he asks you about Exhibit 14.</p> <p>10 He says, "Thank you. And that was</p> <p>11 July 23rd, 2008?"</p> <p>12 Do you see that?</p> <p>13 A. Exhibit.</p> <p>14 Q. The word Exhibit 14?</p> <p>15 A. Yes.</p> <p>16 Q. He says, "And that was July 23rd</p> <p>17 2008?"</p> <p>18 Do you see that?</p> <p>19 A. Okay.</p> <p>20 Q. Then he asks you at Line 16: "My</p> <p>21 question to you is in the weeks leading up to that</p> <p>22 document Exhibit 14, did you hire an asset</p> <p>23 protection specialist named Adam Chodus?"</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 89</p> <p>1 - Sumanta Banerjee - Confidential -</p> <p>2 MR. HUTMAN: I'm going show you a</p> <p>3 document that we're going to mark as Exhibit</p> <p>4 5.</p> <p>5 (Whereupon, Exhibit 5 was marked at</p> <p>6 this time.)</p> <p>7 Q. Mr. Banerjee, do you recognize the</p> <p>8 document that's been marked as Exhibit 5?</p> <p>9 A. Yes. I guess.</p> <p>10 MR. CHAN: Do you or don't you?</p> <p>11 THE WITNESS: I do.</p> <p>12 Q. And this is an e-mail exchange</p> <p>13 between you and your wife; is that correct?</p> <p>14 A. Looks like it.</p> <p>15 Q. Taking place in June on June 26 of</p> <p>16 2008; is that right?</p> <p>17 A. Looks like it. Yes.</p> <p>18 Q. You see at the top e-mail which is</p> <p>19 sent from your wife's e-mail address,</p> <p>20 GhandiBanerjee@gmail.com to your e-mail address</p> <p>21 SBaner@gmail.com.</p> <p>22 Do you see that?</p> <p>23 A. Yup.</p> <p>24 Q. She says, "Adam said yes have to</p> <p>25 disclose but no assets are there. We meet him at</p>

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2 2:30."  
3 Do you see --  
4 A. Okay.  
5 Q. And then she says, "At Capricio." Is  
6 that what that says?  
7 A. Yes.  
8 Q. What is Capricio?  
9 A. Capricio is a little Italian cafe in  
10 Connecticut.  
11 Q. So she's describing that you're going  
12 to be meeting with Adam at that cafe at 2:30?  
13 A. Yes.  
14 Q. So she said "Adam said yes have to  
15 disclose."  
16 Do you see that?  
17 A. Yes.  
18 Q. So then you respond at 12:48 p.m. --  
19 MR. CHAN: I'm going to object to and  
20 direct him not to answer questions as to his  
21 conversations with counsel.  
22 I think there's a joint privilege  
23 between her and him -- and well, obviously,  
24 I'm concerned about privilege.  
25 MR. HUITMAN: I'm not going to ask him

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2 about his communications with counsel. I'm  
3 just going to ask him about communications in  
4 this document.  
5 MR. CHAN: They seem --  
6 MR. HUITMAN: Between him and his  
7 wife.  
8 MR. CHAN: They seem to relate to  
9 communications with counsel and they have a  
10 joint privilege. I'll listen to the  
11 questions but understand my sensitivity.  
12 MR. HUITMAN: I understand your  
13 sensitivity. This is a publicly filed  
14 document, just to put that out there. This  
15 was filed as part of a lawsuit. I got this  
16 off PACER.  
17 Q. Okay. So you respond at 12:48 p.m.,  
18 to your wife and you write, "So why the hell did  
19 he do it in a way that we have to disclose? I  
20 thought the entire idea was to protect it and keep  
21 it confidential that we do not have any assets."  
22 Do you see that?  
23 A. I guess, yeah.  
24 Q. What did you mean when you said, "I  
25 thought the entire idea was to protect it and keep

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2 it confidential that we do not have any assets"?  
3 A. I don't know. I don't recall at all.  
4 Q. Is it possible that you meant that  
5 you were trying to do something in a way that  
6 would make it appear that you didn't have any  
7 assets?  
8 MR. CHAN: Objection.  
9 A. I really don't recall. As I had said  
10 before, we had sent a lot of cash overseas and we  
11 were trying to get it back.  
12 Q. Was one of the purposes of sending  
13 that cash overseas so that you could make it  
14 appear as if you did not have assets?  
15 A. No, it was done before any of this  
16 actually happened. That's what I recall. And I  
17 was trying to get it back. That's what I  
18 remember.  
19 And Adam was -- I really don't  
20 recall. It's just been way too long.  
21 Q. Well, let me ask you to use your  
22 abilities of reading comprehension at the moment.  
23 A. Yes.  
24 Q. Reading this right now --  
25 MR. CHAN: Objection.

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2 Q. Reading this right now, do you  
3 understand this message that you sent to your wife  
4 when you wrote, "I thought the entire idea was to  
5 protect it and keep it confidential that we do not  
6 have any assets" to have been referring to some  
7 attempt to make to --  
8 A. I --  
9 Q. Let me finish the question.  
10 A. Yeah.  
11 Q. I'm going to start from the top.  
12 Reading this document right now, this  
13 e-mail --  
14 A. Yes.  
15 Q. -- do you understand this message  
16 that you sent your wife where you said, "I thought  
17 the entire idea was to protect it and keep it  
18 confidential that we do not have any assets," to  
19 be referring to some attempt to keep confidential  
20 the existence of some assets?  
21 MR. CHAN: Objection.  
22 A. I don't know. I don't know. Again,  
23 I'm not supposed to guess so I'm not really going  
24 to guess.  
25 Q. I'm going to ask if you were reading

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2 this as an objective person, just reading it right  
3 now, I'm not asking you about your memory, I'm  
4 asking you reading it right now as an objective  
5 person, do you understand this message to be  
6 referencing an attempt to keep confidential the  
7 existence of some asset?  
8 MR. CHAN: Objection.  
9 Did you qualify him as an expert in  
10 interpreting the English language? You're  
11 asking him for an expert opinion.  
12 MR. HUTMAN: No, no, I'm asking him  
13 for common ordinary reading comprehension  
14 that anybody has sort of experience with  
15 financial matters.  
16 MR. CHAN: Note my objection.  
17 Witness may answer.  
18 A. The e-mail below says there is no  
19 cash. That's my -- I think my wife saying to me.  
20 Q. I'm talking about the e-mail before,  
21 12:48 p.m., the previous e-mail in time.  
22 A. I mean, the assets that she's -- or  
23 someone or I'm referring to, obviously, has got  
24 nothing to do with cash. So I don't know what  
25 assets those are.

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2 Q. That wasn't my question. So I want  
3 to go back and read you the question just a  
4 second.  
5 MR. HUTMAN: Could we just have the  
6 objection noted on the record already so we  
7 don't need to have the objection again. I'm  
8 worrying he's going to have trouble  
9 understanding me when I ask the question.  
10 A. This is 11 years ago, you understand  
11 that.  
12 Q. I'm not asking about 11 years ago,  
13 I'm asking you about now.  
14 MR. CHAN: We agree about the  
15 continuing objection.  
16 MR. HUTMAN: I'll have that same  
17 objection can go for the entire document.  
18 MR. CHAN: Okay.  
19 Q. Reading this document now, do you  
20 understand your statement, "I thought the entire  
21 idea was to protect it and keep it confidential  
22 that we do not have any assets," to be referencing  
23 an attempt to keep confidential the existence of  
24 some assets?  
25 A. I have no idea. I guess that's what

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2 it is. I don't know.  
3 Q. Do you have any reason sitting here  
4 today to believe that that statement was not  
5 referring to the keeping of -- keeping the  
6 existence of assets confidential?  
7 A. I don't know. I really don't know.  
8 Q. So you have no reason to believe that  
9 it means anything other than keeping assets  
10 confidential?  
11 A. Again, I cannot tell you anything  
12 about it. It's 11 years ago.  
13 Q. So then the answer is that you have  
14 no reason -- I'm just asking you to follow along.  
15 Is it not true that you have no  
16 reason to believe that it means anything other  
17 than an attempt to keep the existence of some  
18 assets confidential?  
19 A. It's something. I don't know what it  
20 is. It's not cash. We didn't have cash at that  
21 point.  
22 Q. I'm not asking about cash. I'm  
23 asking about some assets.  
24 A. And what I recall is we were meeting  
25 with Adam to figure out a way to get this cash

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2 back by using something, some asset as collateral  
3 which was the requirement.  
4 Q. I'm not asking about your  
5 recollection of other things you did with Adam,  
6 all I'm asking --  
7 A. I think I've already answered.  
8 Q. Okay. After you went back to 58/1  
9 Ballygunje and you used the -- you had that  
10 agreement, that guest agreement, did you continue  
11 to use the 142-B address also?  
12 A. So, I stayed in the guest  
13 accommodation most of the time and whenever I was  
14 in Kolkata, and that was my address, but I  
15 probably did spend a night or two at my mother's.  
16 I don't know.  
17 Q. I believe you testified earlier that  
18 you had the 142-B address on some of your official  
19 Indian documents; is that correct?  
20 A. Correct.  
21 Q. And did you maintain that address on  
22 official Indian documents after June 2011?  
23 A. Yeah, I never bothered to change any  
24 of them because it's not an easy process and we  
25 had all the official Indian documents were done



<p style="text-align: right;">Page 126</p> <p>1 - Sumanta Banerjee - Confidential -</p> <p>2 Q. If you look down in Paragraph 9, you</p> <p>3 see title, Child support?</p> <p>4 A. Yes.</p> <p>5 Q. It says, "The parties have agree to</p> <p>6 child support in the amount of \$3,000 monthly</p> <p>7 which is based on spousal agreement."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Then in the next paragraph, it says,</p> <p>11 "Child support payments will commence the first</p> <p>12 day of the month following the entry of the</p> <p>13 divorce decree."</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Was there ever a divorce decree</p> <p>17 between you and your wife?</p> <p>18 A. No.</p> <p>19 Q. Did you ever file this separation</p> <p>20 agreement with any court?</p> <p>21 A. Not that I remember.</p> <p>22 Q. You said not that I recall?</p> <p>23 A. Not that I recall, yes.</p> <p>24 Q. Did you ever make such \$3,000 monthly</p> <p>25 payments for child support?</p>	<p style="text-align: right;">Page 128</p> <p>1 - Sumanta Banerjee - Confidential -</p> <p>2 Q. So I believe you testified earlier</p> <p>3 that the document was never submitted to the</p> <p>4 Court?</p> <p>5 A. Correct.</p> <p>6 Q. Does that mean that you never made</p> <p>7 spousal support payments?</p> <p>8 A. I -- as I said before, I gave her as</p> <p>9 much money that she needed. Did not</p> <p>10 necessarily -- it wasn't like \$3,000. If she</p> <p>11 needed \$3,500, that was there for her. If she</p> <p>12 needed -- we didn't separate necessarily spousal</p> <p>13 support and child support. We basically said</p> <p>14 whatever you need, I will provide for the kids and</p> <p>15 you.</p> <p>16 Q. And even though the agreement seems</p> <p>17 to contemplate child support after divorce decree</p> <p>18 and spousal support after the filing of this</p> <p>19 agreement with the Court, you gave child support</p> <p>20 despite there -- or support of some kind, child or</p> <p>21 spousal, despite there never being a divorce</p> <p>22 decree and never having this agreement submitted</p> <p>23 to a Court; is that correct?</p> <p>24 A. Correct.</p> <p>25 Q. So would it be fair to say that the</p>
<p style="text-align: right;">Page 127</p> <p>1 - Sumanta Banerjee - Confidential -</p> <p>2 A. It was probably in excess of that. I</p> <p>3 don't know exactly.</p> <p>4 Q. Let me ask the question a little</p> <p>5 differently.</p> <p>6 Did you ever make lump sum payments</p> <p>7 on a monthly basis to your wife for the purposes</p> <p>8 of child support?</p> <p>9 A. It was given -- no, I did not make</p> <p>10 exactly \$3,000 payments. I gave her credit card</p> <p>11 and a bank card.</p> <p>12 Q. I want to quickly turn to Paragraph</p> <p>13 14. Turn to Paragraph 42, page ending with Bates</p> <p>14 number 487.</p> <p>15 See that paragraph?</p> <p>16 A. Yes.</p> <p>17 Q. It says, "Spousal Support/Alimony."</p> <p>18 A. Yes.</p> <p>19 Q. You see it says, "To be decided, once</p> <p>20 the document is submitted to the Court"?</p> <p>21 A. Right.</p> <p>22 Q. Then it says, "Spousal support</p> <p>23 payments shall be paid no later than the November</p> <p>24 1, 2012 day of the month"?</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 129</p> <p>1 - Sumanta Banerjee - Confidential -</p> <p>2 support that you did give your wife and children</p> <p>3 wasn't pursuant to this agreement?</p> <p>4 MR. CHAN: Objection.</p> <p>5 A. It was pursuant to this agreement but</p> <p>6 I gave her as much support that she needed.</p> <p>7 Q. What I'm trying to say -- pursuant is</p> <p>8 probably not the right word.</p> <p>9 Is it fair to say that the support</p> <p>10 that you gave your wife and children was not</p> <p>11 because of an obligation created by this</p> <p>12 agreement, but rather was from the goodness of</p> <p>13 your heart?</p> <p>14 MR. CHAN: Objection.</p> <p>15 A. It was based on the obligation but I</p> <p>16 wasn't going to limit it to \$3,000. If she needed</p> <p>17 more, she could have more. If she needed \$5,000</p> <p>18 for herself and the kids, I was going to provide</p> <p>19 \$5,000.</p> <p>20 Q. Well, I guess part of my confusion is</p> <p>21 because if you read -- when I read the child</p> <p>22 support, it says; "Child support payments will</p> <p>23 commence the first day of the month following the</p> <p>24 entry of the divorce decree."</p> <p>25 Here, there was no divorce decree so</p>